

United States Senate

WASHINGTON, DC 20510

November 15, 2018

Damon T. Hininger

President and Chief Executive Officer

CoreCivic

10 Burton Hills Blvd.

Nashville, TN 37215

Dear Mr. Hininger,

We write to express deep concern with the findings of a recently released report¹ by the Department of Homeland Security (DHS) Office of Inspector General (OIG), which raises questions about the quality of care for and mistreatment of immigrants in a for-profit immigration detention facility, and to request information on CoreCivic's compliance with standards designed to protect the well-being of detainees housed in the federal immigration detention facilities operated by your company.

U.S Immigration and Customs Enforcement (ICE) currently detains around 40,000 immigrants in 211 detention facilities across the United States.² According to DHS, as of September 2016, 65 percent of those detainees were held in facilities operated by private, for-profit companies.³ Nine of the ten largest ICE detention centers are run by private corporations.⁴ CoreCivic, formerly known as the Corrections Corporation of America, is a private corrections and detention management company that operates 15 immigration detention centers under contract with ICE.⁵

Since taking office, President Trump has pursued aggressive immigration policies that have significantly increased the number of immigrants in detention. This includes abandoning previously-used alternatives to detention, including ICE's Family Case Management Program, which the Administration terminated in June 2017 despite its effectiveness.⁶ Additionally, in April, the Trump Administration implemented a "zero-tolerance" prosecution policy that directed DHS to refer all individuals apprehended crossing the border who did not present at a

¹ U.S. Department of Homeland Security Office of Inspector General, "Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>.

² U.S. Department of Homeland Security Office of Inspector General, "ICE's inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements," June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

³ U.S. Department of Homeland Security, Homeland Security Advisory Council, "Report of the Subcommittee on Privatized Immigration Detention Facilities," December 1, 2016, <https://www.dhs.gov/sites/default/files/publications/DHS%20HSAC%20PIDF%20Final%20Report.pdf>.

⁴ KCET, "Immigration Detention is Profitable for Private Prisons," Pilar Marrero, July 17, 2018, <https://www.kcet.org/shows/social-connected/immigration-detention-is-profitable-for-private-prisons>.

⁵ U.S. Immigration and Customs Enforcement, "Facility Inspections," October 16, 2018, <https://www.ice.gov/facility-inspections#>.

⁶ The Atlantic, "ICE Shuts Down Program for Asylum-Seekers," Aria Bendix, June 9, 2017, <https://www.theatlantic.com/news/archive/2017/06/ice-shuts-down-program-for-asylum-seekers/529887/>.

port of entry to the Department of Justice (DOJ) for prosecution. The “zero-tolerance” policy led to an influx of immigrants in detention facilities and the separation of over 2,600 migrant children from their parents.⁷ Most recently, in June, ICE issued a request for information from potential providers of detention facilities regarding an increase of 15,000 beds for immigration detention facilities.⁸

The President’s harmful and destructive immigration agenda has done immeasurable damage to immigrants, their communities, and America’s standing in the world as a safe haven for refugees and asylum seekers, but it has been lucrative for private prison corporations that operate immigration detention facilities.

The Obama Administration, citing high rates of safety and security violations at private prisons, announced in an August 2016 memorandum that DOJ would reduce the federal government’s reliance on private prisons.⁹ But just one month after President Trump’s inauguration, DOJ rescinded the memorandum,¹⁰ and has since—largely through changes in immigration policy—contributed to significant increases in private prison profits.

CoreCivic has engaged in aggressive lobbying efforts to promote policies that boost its profits—regardless of the human toll that those policies inflict. Between 2008 and 2014, CoreCivic spent just under \$10 million lobbying Congress, with particular focus on the House and Senate Appropriations Subcommittees on Homeland Security, which determine funding levels for Customs and Border Protection (CBP) and ICE, as well as set detention bed quotas that are key to CoreCivic’s bottom line.¹¹

In addition to lobbying expenditures, CoreCivic has stepped up its donations to political campaigns and candidates that support expanding the role of private prisons in our immigration system. CoreCivic and its affiliated Political Action Committees (PACs) donated just under \$300,000 to candidates for federal office in the 2016 election, particularly members serving on the House or Senate Committees on Homeland Security or Appropriations Subcommittee on Homeland Security.¹² CoreCivic also donated \$250,000 to President Trump’s inaugural

⁷ The Washington Post, “Still separated: Nearly 500 migrant children taken from their parents remain in U.S. custody,” Maria Sacchetti, August 31, 2018, https://www.washingtonpost.com/local/immigration/still-separated-nearly-500-separated-migrant-children-remain-in-us-custody/2018/08/30/6dbd8278-aa09-11e8-8a0c-70b618c98d3c_story.html?utm_term=.0c71e7ca969d.

⁸ U.S. Immigration and Customs Enforcement, “Request for Information-Family Residential Services,” June 22, 2018, https://www.fbo.gov/index?s=opportunity&mode=form&id=109431221342d76aa63cfda6dba4371&tab=core&_cvi=0.

⁹ Letter from Deputy Attorney General Sally Yates to Acting Director of Federal Bureau of Prisons, “Memorandum for the Acting Director Federal Bureau of Prisons: Reducing our Use of Private Prisons,” August 18, 2016, <https://www.justice.gov/archives/opa/file/886311/download>.

¹⁰ National Public Radio, “Private Prisons Back In Mix For Federal Inmates as Sessions Rescinds Order,” Christopher Dean Hopkins, February 23, 2017, <https://www.npr.org/sections/thetwo-way/2017/02/23/516916688/private-prisons-back-in-mix-for-federal-inmates-as-sessions-rescinds-order>.

¹¹ Grassroots Leadership, “Payoff: How Congress Ensures Private Prison Profit with an Immigrant Detention Quota,” April 2015, p. 12, https://grassrootsleadership.org/sites/default/files/reports/quota_report_final_digital.pdf.

¹² Open Secrets, “CoreCivic Inc, Profile for 2016 Election Cycle,” <https://www.opensecrets.org/orgs/summary.php?id=D000021940&cycle=2016>.

committee,¹³ after then-candidate Trump supported expanding the role of private prisons and called for a crackdown on immigrants and asylum seekers crossing the border that would lead to a dramatic increase in demand for immigration detention space.¹⁴

Ultimately, CoreCivic's lobbying expenditures and donations have paid off. The Trump Administration's immigration agenda has filled private facilities with migrant adults and children. According to the Department of Health and Human Services (HHS), there were at least 12,800 migrant children in federally contracted facilities last month, a five-fold increase from a year ago.¹⁵ CoreCivic has received taxpayer-funded contracts worth \$225 million to manage ICE immigration detention facilities since 2017, and CoreCivic stock prices rose in the wake of both President Trump's election¹⁶ and ICE's call for increased bed capacity.¹⁷ In June, you informed investors that CoreCivic was in the midst of "the most robust kind of sales environment we've seen in probably ten years."¹⁸

Though CoreCivic is benefiting from taxpayer-funded contracts, it is unclear if the company is serving as a responsible steward of taxpayer dollars. Like all detention facilities under contract with DHS to house immigrant detainees, CoreCivic detention facilities are contractually obligated to abide by ICE detention standards for holding immigrants.¹⁹ Facilities that house families and minors must adhere to the Family Residential Standards. The aim of these guidelines is to uphold immigrants' basic rights, ensuring their health, safety, and access to information on U.S. immigration laws and where to turn if their rights are violated.²⁰

¹³ Open Secrets, Center for Responsive Politics, "'Zero-tolerance' immigration policy is big money for contractors, nonprofits," Geoff West and Alex Baumgart, June 21, 2018, <https://www.opensecrets.org/news/2018/06/zero-tolerance-immigration-is-big-money-for-contractors-nonprofits/>.

¹⁴ Daily Beast, "Is Donald Trump Private Prison Companies' Last Hope?", Betsey Woodruff, September 29, 2016, <https://www.thedailybeast.com/is-donald-trump-private-prison-companies-last-hope>.

¹⁵ The Washington Post, "Trump administration to triple size of Texas tent camp for migrant children," Nick Miroff, September 11, 2018, https://www.washingtonpost.com/world/national-security/trump-administration-to-triple-size-of-texas-tent-camp-for-migrant-children/2018/09/11/de980c02-b5ee-11e8-94eb-3bd52dfe917b_story.html?utm_term=.01153b26ec00.

¹⁶ Quartz, "The first big winners of Donald Trump's victory are private prison companies, whose stocks are soaring," Hanna Kozłowska & Jason Karaian, November 9, 2016, <https://qz.com/832775/election-2016-private-prison-company-stocks-cca-and-geo-group-are-surging-after-trumps-win-cxw-geo/>.

¹⁷ Open Secrets, Center for Responsive Politics, "'Zero-tolerance' immigration policy is big money for contractors, nonprofits," Geoff West and Alex Baumgart, June 21, 2018, <https://www.opensecrets.org/news/2018/06/zero-tolerance-immigration-is-big-money-for-contractors-nonprofits/>.

¹⁸ Bloomberg, "Prison Operators Could Cash In on Trump's 'Zero Tolerance' Immigration Policy," Rob Urban and Bill Allison, June 28, 2018, <https://www.bloomberg.com/news/articles/2018-06-28/prison-operators-gain-as-u-s-immigration-detentions-surge>.

¹⁹ When ICE was formed in 2003, the agency operated under a set of National Detention Standards (NDS) that were based on policies and procedures DHS issued in September 2000. These standards, according to ICE, "established consistent conditions of confinement, program operations, and management expectations within the agency's detention system. The standards were revised in 2008 in the Performance-Based National Detention Standards (PBNDS 2008) and again in 2011. ICE also revised several, but not all, of the standards in 2016. U.S. Immigration and Customs Enforcement, "ICE Detention Standards," <https://www.ice.gov/factsheets/facilities-pbnds>; U.S. Immigration and Customs Enforcement, "2011 Operations manual ICE Performance-Based National Detention Standards," <https://www.ice.gov/detention-standards/2011>.

²⁰ U.S. Immigration and Customs Enforcement, "2000 Detention Operations Manual," <https://www.ice.gov/detention-standards/2000>; U.S. Immigration and Customs Enforcement, "2008 Operations manual ICE Performance-Based National Detention Standards," <https://www.ice.gov/detention-standards/2008>; U.S.

Over the past year, the DHS OIG examined ICE's oversight of multiple immigration detention facilities and those facilities' compliance with detainee treatment standards.²¹ OIG reported that the private prison facilities it visited violated detention standards and that at least one facility "posed[d] significant health and safety risks" to detainees.²² In their review, OIG found that detainees in immigration detention facilities do not have access to basic necessities or prompt and adequate medical care. OIG's findings further show that detainees are placed in solitary confinement without explanation and for minor rule violations.²³

Just weeks ago, a new OIG report identified severe health and safety violations in a private immigration detention center operated by the GEO Group. The report found that in 15 out of approximately 20 cells examined inspectors saw nooses fashioned from twisted bedsheets hanging from vents.²⁴ A detainee quoted in the report explained that detainees use the braided bedsheets to attempt to commit suicide, and OIG found there had been at least seven suicide attempts from December 2016 to October 2017 in one prison alone. The report revealed that detainees do not have adequate access to medical care, waiting weeks or months to see a doctor and not receiving basic dental care for years, resulting in tooth loss and unnecessary extractions. OIG described how one dentist in a facility, "suggested detainees could use string from their socks to floss if they were dedicated to dental hygiene."²⁵

OIG's previous investigative work included visits to two facilities owned by CoreCivic, and the OIG findings were also deeply troubling. OIG identified violations in CoreCivic facilities specifically that, "undermine[d] the protection of detainees' rights, their humane treatment, and the provision of a safe and healthy environment."²⁶ In their review, OIG found that immigration detention facilities had spoiled and moldy food, that detainees did not have access to hot water,

Immigration and Customs Enforcement, "2011 Operations manual ICE Performance-Based National Detention Standards," <https://www.ice.gov/detention-standards/2011>.

²¹ U.S. Department of Homeland Security Office of Inspector General, "Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>; U.S. Department of Homeland Security Office of Inspector General, "ICE's inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements," June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>; U.S. Department of Homeland Security Office of Inspector General, "Concerns about ICE Detainee Treatment and Care at Detention Facilities," December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

²² U.S. Department of Homeland Security Office of Inspector General, "Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>.

²³ U.S. Department of Homeland Security Office of Inspector General, "Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>; U.S. Department of Homeland Security Office of Inspector General, "Concerns about ICE Detainee Treatment and Care at Detention Facilities," December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

²⁴ U.S. Department of Homeland Security Office of Inspector General, "Management Alert – Issues Requiring Action at the Adelanto ICE Processing Center in Adelanto, California," September 27, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-10/OIG-18-86-Sep18.pdf>.

²⁵ *Id.*

²⁶ U.S. Department of Homeland Security Office of Inspector General, "Concerns about ICE Detainee Treatment and Care at Detention Facilities," December 11, 2017, <https://www.oig.dhs.gov/sites/default/files/assets/2017-12/OIG-18-32-Dec17.pdf>.

some showers lacked cold water, detainees had limited access to prompt and adequate medical care, and that detainees were not promptly given (or not given at all) basic hygiene products such as toilet paper and toothpaste. The report also found that detainees were placed in solitary confinement or locked down in their cells without being told why, and for minor rule violations.²⁷ Further accounts show that detainees have been placed in solitary confinement for sharing coffee with another detainee²⁸ or because of an \$8 pay dispute in the detainee labor program.²⁹

Other reports from advocacy groups and news agencies of treatment in your facilities are truly sickening. Detainees describe how their food as covered in mold, rancid, and frequently filled with foreign objects, such as maggots, other bugs, and hair.³⁰ Detainees and their attorneys allege that detainees do not have access to clean drinking water, describing that detainees boil water in their cells because the water is green and smells of feces.³¹ These reports and the results of the OIG investigations indicate that the perverse profit incentive at the core of the private prison business model has resulted in CoreCivic boosting profits by cutting costs on expenditures including food, health care, and sufficient pay and training for guards and prison staff.³²

Detention centers are overseen by a combination of federal inspectors and a private auditor, the Nakamoto Group, Inc. (Nakamoto). Troublingly, internal interviews from ICE employees suggest the Nakamoto inspections are “useless,” and “very, very, very difficult to fail.”³³ More thorough government inspections of your facilities, however, are “too infrequent to ensure the facilities implement all deficiency corrections,” allowing, “some deficiencies [to remain] unaddressed for years.”³⁴ OIG found that when the government inspectors examined the same facilities as Nakamoto, the government inspectors often identified upwards of twice as many violations. Further, OIG found that ICE has inappropriately been granting waivers to exempt facilities from correcting violations, even in instances where the violation impacted individuals’ health, security, or safety. OIG identified that granting waivers after inspections found a discrepancy “allows inherently deficient practices to continue,” essentially giving facilities a free pass to violate detainee’s rights, putting the health and safety for both detainees and staff at risk.³⁵ Ineffective and infrequent oversight raises questions about the severity of detention center conditions in your facilities and whether violations are underreported.

²⁷ *Id.*

²⁸ *Id.*

²⁹ The Intercept, “Immigration Detainee Accuses ICE Contractor CoreCivic of Locking Him in Solitary Over \$8,” Ryan Devereaux and Spencer Woodman, April 19, 2018, <https://theintercept.com/2018/04/19/solitary-confinement-immigration-detention-ice-corecivic/>.

³⁰ Penn State Law Center for Immigrants’ Rights Clinic, “Imprisoned Justice: Inside Two Georgia Immigrant Detention Centers,” May 2017, https://projectsouth.org/wp-content/uploads/2017/06/Imprisoned_Justice_Report-1.pdf.

³¹ *Id.*

³² New York Times, “For Private Prisons, Detaining Immigrants Is Big Business,” Clyde Haberman, October 1, 2018, <https://www.nytimes.com/2018/10/01/us/prisons-immigration-detention.html>.

³³ U.S. Department of Homeland Security Office of Inspector General, “ICE’s inspections and Monitoring of Detention Facilities Do Not Lead to Sustained Compliance or Systemic Improvements,” June 26, 2018, <https://www.oig.dhs.gov/sites/default/files/assets/2018-06/OIG-18-67-Jun18.pdf>.

³⁴ *Id.*

³⁵ *Id.*

To help the American people better understand the extent to which CoreCivic is protecting the health, safety, and rights of immigrants in the detention centers it manages, and whether CoreCivic is appropriately complying with federal immigration detention standards, we request that you provide us with the following information no later than November 30, 2018:

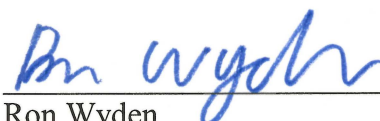
1. Please provide a list of each individual immigration detention facility operated by CoreCivic. For each facility, please provide the facility name, the facility address, a copy of the most recent federal contract granting CoreCivic the right to manage the facility, and the total number of detained immigrants housed in the facility, including information on how many of these detainees are under the age of 18.
2. For each facility identified above, please provide copies of all inspection records or other audits or reviews of compliance and conditions at the facility, including a list of all deficiencies cited at each facility and the entity conducting the audit, since CoreCivic began operations at the facility. For any deficiencies listed, please provide evidence, if any, that CoreCivic corrected those deficiencies. Please provide copies of results from all inspections, including those conducted by the Nakamoto group or any other private auditors or any federal, state, or local inspectors, auditors, or regulators.
3. For each facility identified above, please provide a list of all ICE waivers granted to the facility to waive noncompliance with cited deficiencies. For each waiver, please provide all correspondence with ICE, including the initial waiver request, the ICE decision on the waiver, and any additional communications related to the waiver request. Please provide an overview of the process by which CoreCivic requests and receives waivers from auditors for cited deficiencies.
4. Please provide copies of any notification letters you have sent to ICE informing the agency that your company has been credibly accused of forced labor violations, as required by the Homeland Security Acquisition Regulations, the Federal Acquisition Regulations, and Executive Order 13627 implementing U.S. government contractor compliance with the Trafficking Victims Protection Act, and any responses you have received.

Thank you for your attention to this matter. We look forward to your response.

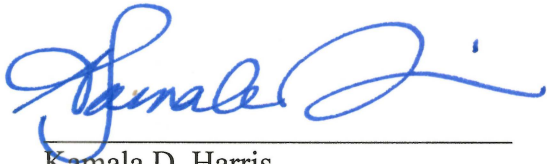
Sincerely,



Elizabeth Warren
United States Senator



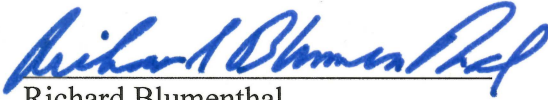
Ron Wyden
United States Senator



Kamala D. Harris
United States Senator



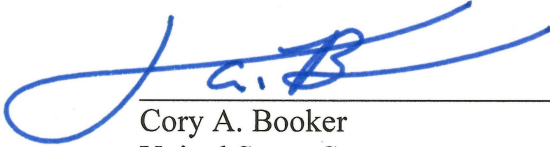
Kirsten Gillibrand
United States Senator



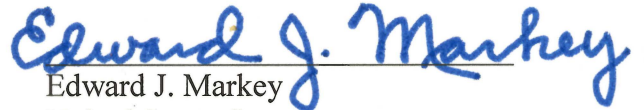
Richard Blumenthal
United States Senator



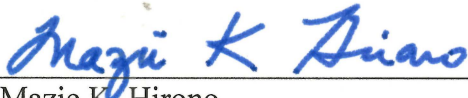
Bernard Sanders
United States Senator



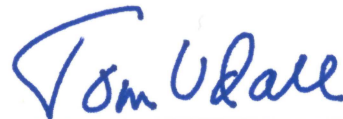
Cory A. Booker
United States Senator



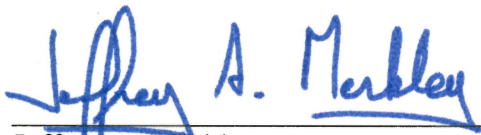
Edward J. Markey
United States Senator



Mazie K. Hirono
United States Senator



Tom Udall
United States Senator



Jeffrey A. Merkley
United States Senator